

Serial No. 10/812,708 REMARKS

The aforementioned deletions and insertions to the Title Page, Abstract, and the Specification are believed to be in compliance with CFR 1.121. In order to clearly set forth the amended portions of the specification, applicants have enclosed a copy with corrective markings. Please insert the entire rewritten text as it is presented, without corrective markings, in the accompanying replacement copy of the Specification.

The applicants have amended certain descriptions in the Specification with the objective of presenting a full, clear and complete description of the cultivar in order to comply with 37 CFR 1.163 and 35 U.S.C. 112 and to overcome the objections listed in the Office Action dated 09/01/2004. Specifically:

In response to the objections set forth in paragraph A of the Office Action, the Specification has been amended to correct the reference to figure 2.2 in the illustration.

In response to the objections set forth in paragraph B of the Office Action, the Specification has been amended to correct the reference to figure 2.3 in the illustration.

In response to the objections set forth in paragraph C of the Office Action, the Specification has been amended to set forth the average diameter of the peduncle and the petiole.

In response to the objections set forth in paragraph D of the Office Action, the Specification has been amended to provide a more accurate description of the petal color.

In response to the objections set forth in paragraph E of the Office Action, the Specification has been amended to provide a more accurate description of the petal color.

In response to the objections set forth in paragraph F of the Office Action, the Specification has been amended to set forth, more accurately the observed general tonality of the flower.

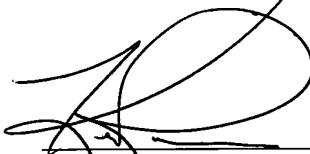
In response to the objections set forth in paragraph G of the Office Action, the Specification has been amended to set forth the average length of the styles.

In response to the objections set forth in paragraph H of the Office Action, the Specification has been amended to set forth the coloration of mature and juvenile thorns.

For all the reasons listed above, the applicants respectfully submit that the errors in the Specification are corrected, and that the claims comply with Section 112. The application is believed to be in condition for allowance, and notice thereof is respectfully requested.

Applicants have enclosed a statement under 37 CFR 3.73(b), which establishes evidence that the undersigned is authorized to act on behalf of the assignee, Poulsen Roser A/S.

Respectfully submitted,



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COPY

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10/8/2,708*

UNITED STATES PLANT PATENT APPLICATION

of

L. PERNILLE AND MOGENS N. OLESEN

for

FLORIBUNDA
ROSE PLANT NAMED

'POULcs009'

FLORIBUNDA
ROSE PLANT NAMED

'POULcs009'

ABSTRACT OF THE DISCLOSURE

A new garden rose plant of the floribunda class which has abundant, pink flowers and attractive foliage. This new and distinct variety has shown to be uniform and stable in the resulting generations from asexual propagation.

SUMMARY OF THE INVENTION

BOTANICAL CLASSIFICATION

Rosa hybrida

VARIETY DENOMINATION

5

'POULcs009'

The present invention constitutes a new and distinct variety of garden rose plant which originated from a controlled crossing between the female parent 'POULdrik' 10 described and illustrated in U.S. Plant Patent No. 12,557 issued on 23 April, 2002, and the male parent an unnamed seedling. The two parents were crossed during the summer of 1994 and the resulting seeds were planted in a controlled environment in Fredensborg, Denmark. The new 15 variety is named 'POULcs009'.

The new variety may be distinguished from its female seed parent, 'POULdrik' by the following combination of characteristics:

1. While the seed parent 'POULdrik' has a 20 flower color of Red Group 52C the same of 'POULcs009' is Red-Purple Group 65D with intonations of Red-Purple Group 64D.
2. While the seed parent 'POULdrik' has 14 to 18 petals, 'POULcs009' has 50 .
3. While the seed parent 'POULdrik' has a 25

flower diameter of 60mm, the same of
'POULcs009' is 50mm.

The new variety may be distinguished from its
5 unnamed male pollen parent by the following combination of
characteristics:

1. The pollen parent has very pale pink flowers, while 'POULcs009' has medium pink flowers.
- 10 2. The pollen parent has a low growth habit, ranging from 40 to 60 cm, while 'POULcs009' has an average height of 76 cm.
- 15 3. Flowers of 'POULcs009' have a longer lasting quality on the plant than those of the pollen parent.

The objective of the hybridization of this rose variety was to create a new and distinct variety for
20 garden use with unique qualities, such as:

1. Uniform and abundant pink flowers;
2. Vigorous, but compact and even growth when propagated both as a budded rose and on its own roots;
- 25 3. Disease resistance;

4. Flower color which does not fade;
5. Well suited to normal cultural practices in the garden and in containers.

5 This combination of qualities is not present in previously available commercial cultivars of this type, known to the inventors, and distinguish 'POULcs009' from all other varieties of which we are aware.

As part of their rose development program, L. 10 Pernille Olesen and Mogens N. Olesen germinated the seeds from the aforementioned hybridization during winter of 1994 and conducted evaluations on the resulting seedlings in a controlled environment in Fredensborg, Denmark.

'POULcs009' was selected in the spring 1995 by the 15 inventors as a single plant from the progeny of the aforementioned hybridization.

Asexual reproduction of 'POULcs009' by traditional budding and rooted cuttings was first done by L. Pernille and Mogens N. Olesen in their nursery in Fredensborg, 20 Denmark in July, 1995. This initial and other subsequent asexual propagations conducted in controlled environments have demonstrated that the characteristics of 'POULcs009' are true to type and are transmitted from one generation to the next.

BRIEF DESCRIPTION OF THE DRAWING

The accompanying color illustration shows as true as is reasonably possible to obtain in color photographs of 5 this type, the typical characteristics of the buds, flowers, leaves, and stems, of 'POULcs009'. Specifically illustrated in the drawing: SHEET 1:

10 Fig 1.1; Open flower, stem showing open flower, branching, and the attachment of leaves, buds, and peduncles;

Fig 1.2; Flower bud closed, flower bud as sepals unfold, and partially open;

Fig 1.3; Flower petals, detached;

15 Specifically illustrated in SHEET 2:

Fig 2.1; Sepals, receptacle, and peduncle;

Fig 2.2; ~~Bare stems~~, LEAVES;

Fig 2.3; ~~Leaves~~, BARE STEMS.

20 DETAILED DESCRIPTION OF THE VARIETY

The following is a description of 'POULcs009', as observed in its growth in a field nursery in Jackson 25 County, Oregon. Observed plants are 3 years of age. Color references are made using the Royal Horticultural Society

(London, England) Colour Chart, 1995, except where common terms of color are used.

For a comparison, several physical characteristics of the rose variety 'POULf1002', a rose variety from the 5 same inventors described and illustrated in U.S. Plant Patent Application No. 10/685,543 dated October 14, 2003 are compared to 'POULcs009' in Chart 1.

CHART 1

	POULcs009	POULf1002	
10	General TONALITY Tonal ty of Open Flower	Red-Purple Group 62C	Red Group 52 D
15	Peduncle Length	35 to 40 mm	40 to 50 mm
	Petalage	50 petals	20 to 25 petals

FLOWER AND FLOWER BUD

20 Blooming habit: Continuous.

Flower bud:

Size: Upon opening, 25 mm in length from
base of receptacle to end of bud.

Bud form: Broad-based ovoid.

25 Bud color: As sepals unfold, petals are

Red-Purple Group 58D. At $\frac{1}{4}$ opening
petals are Red-Purple Group 58D with
intonations of Red-Purple Group 58A.

Sepals:

5

Upper Surface:

Color: Yellow-Green Group 146B.

Texture: Moderately pubescent.

Lower Surface:

Color: Yellow-Green Group 146B.

10

Sepal Shape:

Sepal apex is cirrhose.

Base is flat at union with
receptacle.

Sepal Margin:

15

Stipitate glands are in
medium quantity at margins
and lower surfaces.

Size: 23 mm (l) x 7 mm (w).

Receptacle:

20

Surface Texture: Smooth.

Shape: Funnel shaped.

Size: 9 mm (h) x 6 mm (w).

Color: Yellow-Green Group 144A.

Peduncle:

25

Surface: Smooth.

40 to 70

Length: ~~35 to 40~~ mm average

length.

DIAMETER: 3.5 MM.

Color: Yellow-Green Group 144B.

Anthocyanic pigments the

5

color of Greyed-Red Group

178A observed.

~~Strength: Strong.~~

Borne: In clusters of 5 flower

buds per stem.

PEDICEL:

10

LENGTH: 35 to 40 MM ON AVERAGE.

DIAMETER: 3 MM

STRENGTH: STRONG

TEXTURE: SOMEWHAT ROUGH WITH STIPITATE GLANDS.

Flower bloom: Fragrance: Light floral scent.

Duration: The blooms have a duration on
the plant of approximately 10
to 14 days. Afterwards, etals
fall cleanly away from plant.

15

Size: Flower diameter is 50 mm when
fully open. Flower depth is 35
mm.

20

Form:

Flowers resemble an open cup,
with strongly reflexed petals
which curve outward from the
center.

25

Shape of flower when viewed from the side:

Upon opening, upper part: Flat.

Upon opening, lower part: Flattened

Convex.

5

Open flower, upper part: Flat.

Open flower, lower part: Flattened

Convex.

Petalage: 50 petals on average with 5 to 10
10 petaloids.

Color:

Upon opening, petals:

Outermost petals:

15

Outer side: Red-Purple Group 63D with
marginal intonations of
Red-Purple Group 64B to
64C.

Inner Side: Red-Purple Group 63C to
Red-Purple Group 58D.

20

Innermost petals:

Outer side: Red-Purple Group 63D with
marginal intonations of
Red-Purple Group 64C.

Inner Side: Red-Purple Group 63C.

25

Upon opening, basal petal spots:

Outermost petals:

Outer side: Yellow Group 4C.

Inner Side: Yellow Group 4A.

Innermost petals:

5 Outer side: Yellow Group 4C.

Inner Side: Yellow Group 4A.

After opening, petals:

Outermost petals:

67 D ^A ~~no~~

Outer side: Red-Purple Group ~~65D~~ with

10 LIGHT STREAKING ~~intonations of Red-Purple~~

~~65 D AT THE MIDDLE ZONE.~~

~~Group 64D at margins.~~

Inner Side: Red-Purple Group ~~65C~~ with 62 A.

~~intonations of Red-Purple~~

~~Group 64D at margins.~~

15 Innermost petals:

67 D

Red-Purple Group ~~65D~~ with LIGHT STREAKING

~~intonations of Red-Purple~~

~~65 D AT THE MIDDLE ZONE.~~

~~Group 64D at margins.~~

Inner Side: Red-Purple Group ~~65C~~ with 62 A.

20 ~~intonations of Red-Purple~~

~~Group 64D at margins.~~

After opening, basal petal spots:

Outermost petals:

Outer Side: Yellow Group 4C.

25 Inner Side: Yellow Group 4C.

Innermost petals:

Outer Side: Yellow Group 4C.

Inner Side: Yellow Group 4C.

RED

5 General Tonality: On open flower ~~Red-Purple~~ Group

52B. — ~~62e~~. No change in the general tonality at the end of the 10th day.

Petals:

10 Petal Reflex: Variable. Slightly to strongly reflexed.

Margin: Ruffled with strong undulations of margin observed.

Shape: Apex: Round.

15 Base: Acute.

Size: 40 mm (l) x 46 mm (w).

Texture: Smooth.

Thickness: Average.

Arrangement: Not Formal.

20 **Petaloids:**

Quantity: 5 to 10.

Color: Upper surface is Red-Purple Group 73B. Lower Surface is Red-Purple Group 73A.

25 Size: 16 mm (l) x 14 mm (w).

Reproductive Organs:

Pistils:

Length: 12 mm.

5

Quantity: 79.

Pollen: None observed.

Anthers:

Color: Greyed-Orange Group 167B.

10

Quantity: 101 (actual count).

Filaments:

Color: Yellow Group 3C.

Length: 8 mm.

15

Stigmas: Superior in location to
the height of the anthers.

Color: Yellow-Green Group 145D.

Styles:

Color: Yellow-Green Group 145D.

Length: 10-12 MM.

Hips: None Observed in the field nursery in

20

Jackson County Oregon.

PLANT

Plant growth: Moderate, upright to bushy. When

25

grown as a budded field grown plant

on *Rosa multiflora* understock, the average height of the plant is 76 cm and the average width is 76 cm.

Stems:

5 Color:

Young wood: Yellow-Green Group 146D.

Older wood: Yellow-Green Group 144A.

Surface Texture:

Young wood: Smooth.

10 Older wood: Rough.

Thorns:

Incidence: 2 thorns per 10 cm of stem.

Size: Average length: 4 mm.

Color: MATURE AND JUVENILE THORNS ARE
 Greyed-Red Group 178A.

15 Shape: Concave.

Plant foliage: Normal number of leaflets on
 normal leaves in middle of the
 stem: 7 leaflets.

20 Compound Leaf size: 140 mm (l) x 90 mm (w).

Color:

Mature Foliage:

Upper surface is: Yellow-Green

Group 146A.

25 Lower surface is: Yellow-Green

Group 146B.

Juvenile foliage:

Lower AND Upper surface is ~~is~~ Yellow-Green

5

Group 146A to 146B WITH
INTONATIONS OF GREYED PURPLE

Lower surface is ~~is~~ Yellow-Green

183 B.

~~Group 146B.~~

Plant leaves and leaflets:

Stipules:

Size: 13 mm in length.

10

Margins: Average quantity of
stipitate glands.

Color: Yellow-Green Group 144A.

Petiole:

Length: 15 to 20 mm.
DIAMETER 2 MM.

15

Above:

Color: Yellow-Green Group 1454B.

Anthocyanin: Greyed-Red Group 182A.

Underneath: Thorns present.

Rachis:

20

Above:

Color: Yellow-Green Group 145B.

Anthocyanin: Greyed-Red Group 182A.

Underneath: Thorns present.

Leaflet:

25

Size: 50 mm (l) x 30 mm (w).

Edge: Serrated.
Shape: Broadly ovate. Apex is
cuspidate. Base is round.
Texture: Rugose.
5 Thickness: Thick.
Arrangement: Odd pinnate.
Venation: Reticulate.
Glossiness: Very glossy.

10

Disease resistance:

Above average resistance to mildew, rust, black
spot, and Botrytis under normal growing conditions in
Jackson County, Oregon.

15

Cold Hardiness:

The variety 'POULcs009' has been found to be cold
tolerant to USDA Cold Hardiness Zone 6.

CLAIM

A new and distinct variety of rose plant of the
5 floribunda rose class, substantially as herein illustrated
and described as a distinct and novel rose variety due to
its abundant pink, disease resistance, and extended period
of bloom.